

HANDS OF THE  
CITY ARE TIEDCan't Force Widening of Portion  
of Eighth South Street.

IS SIXTY-SIX FEET WIDE

FORMER COUNCIL ACCEPTED  
THOROUGHFARE THAT WAY.

The city is powerless to force a widening of Eighth South street, between Tenth East and Thirteenth East streets, according to the opinion of Assistant City Attorney W. C. Shoup and City Engineer L. C. Kelsey. As near as can be ascertained from records in the city recorder's office, the plat of the Fremont Heights subdivision, when accepted by the city council in 1891, provided that that street, from Tenth East to Thirteenth East, should be but sixty-six feet wide. A strip of land equally as wide on the north side of the thoroughfare has been platted and sold by the lot.

Councilman Thomas thought the city was being robbed of half the street, and instituted an inquiry into the matter, which has resulted in the opinion that the city has no redress. The city attorney's office is of the opinion that the city cannot force a widening of the street by taking the land in its own hands. The opinion on the matter reads as follows:

**Valuable Document Is Missing.**  
"Upon Nov. 16, 1903, your honorable body adopted a resolution directing the city engineer and city attorney to report to the council all facts they can obtain with reference to the platting of the south half of Eighth South street between Ninth and Thirteenth East streets, and the taking possession of the same by parties who had no right or title to said street."

"We wish to report as follows: The portion of Eighth South street which has been platted is the north half between Tenth East and Thirteenth East streets, and is now shown as part of Fremont Heights subdivision."

The platting of the portion of Eighth South street mentioned appears to have been first called to the attention of the city council by a petition of Kelsey & Gillespie, in which they ask the council to approve their maps of Fremont Heights subdivision. Search has been made in the recorder's office, but the map cannot be found. However, we presume that the essential part of the petition was simply the request of the petitioners for the approval of their plats of the Fremont Heights subdivision."

"Apparently the petition was first referred to the city engineer, for there appears in the records of the city council on Aug. 4, 1891, a letter from A. F. Doremus, city engineer, to the council calling the council's attention to the fact that the petition contemplated reducing the width of Eighth South street and the other streets. He also recommended that the matter be referred to the city attorney. The council concurred in the recommendation of the engineer as indicated by a letter addressed to the city engineer from the city recorder, dated Aug. 5, 1891."

**Carefully Considered at the Time.**

"The matter appears to have been carefully considered by W. C. Hall, city attorney, and his findings were reported to the city council at a meeting held Sept. 29, 1891. The city attorney, after an examination of the abstract, and certain affidavits, states in his letter that the title to the land embraced in said plat on the 9th day of March, 1891, was in Kelsey & Gillespie, and that the original streets embraced in the plat had never been opened or traveled by the public. Subsequently, at a meeting of the council held Oct. 6, 1891, the council further considered the petition of Kelsey & Gillespie, together with other documents, including the report from the city engineer, and authorized the city engineer to approve the map of Fremont Heights subdivision, referred to in said petition and other documents. The city engineer, acting upon the instructions received from the council, approved the plat as submitted by Kelsey & Gillespie, showing a reduction of Eighth South street to a sixty-six foot street. This plat, showing the surveyor's certificate, the owner's dedication and acknowledgment, and the approval of the city engineer, is now on file in the city engineer's office."

"We have attached hereto copies of the letters and minutes of the council above mentioned. The foregoing facts are all that I am able to discover from the city's records. Very respectfully,  
L. C. KELSEY,  
City Engineer.  
"City Attorney, per Shoup."

**GOT HIS \$5 BACK.**

Lorenzo Hood Thought He Was Paying Nickel For Car Fare.

Had Diogenes lived in this age and in this section of the country he would not have been compelled to search for years with a lantern to find an honest man. Last Friday Lorenzo Hood, a boy living in the Sugar House ward, gave Conductor Thomas Boyces of the Murray line a good piece, thinking he was a nickel. The car was crowded at the time and the conductor did not discover the mistake until he was counting his money several hours later. Boyces was anxious to return the money to its owner and informed several of the passengers living on his line of the incident, among them the father, who at the time did not know of his son's loss. In this way the money was restored to the boy who gave it away by mistake. Young Hood thanked the conductor profusely and later made him a present of a silk handkerchief.

**PEERY ESTATE INCORPORATED.**

Articles of incorporation of the D. H. Peery estate were filed yesterday with Secretary of State James T. Hammond. It is provided for the purpose of handling the estate left by Mr. Peery of Ogden when he died some time ago. The company has a capital stock of \$200,000, divided into 2,000 shares at a par value of \$100 each. Elizabeth L. Peery is president; David Henry Peery, vice president; John Harold Peery, treasurer and secretary.

**LIEUTENANT MISSING.**

Officer Was Engaged in Guarding McKinley's Tomb.

Washington, Dec. 22.—Officers of the army are endeavoring to find Second Lieutenant Floyd C. Miller of the First Infantry, who, while engaged with troops on guard at the tomb of ex-President McKinley in the Westlaw cemetery, near Canton, O., disappeared on the 4th inst. and has not been seen or heard from since. There is no known reason for his conduct. Lieutenant Miller is a native of Ohio and was an ordinary seaman in the navy from May 31 to Aug. 31, 1898. In September, 1899, he enlisted as a private in the Sixth Infantry and showed such proficiency that he was commissioned a second lieutenant.

**SENATOR CULLION ILL.**

Washington, Dec. 22.—Senator Shelby M. Cullum of Illinois is confined to his home with a slight attack of grippe. He was much improved tonight.

SAYS MEETING  
WAS ILLEGALM. Shaughnessy Opposes 2-Cent  
Mine Assessment.

SUES ST. LOUIS-VASSAR CO.

SENATOR BROWN WILL TAKE  
CASE TO SUPREME COURT.

Colonel M. Shaughnessy has brought suit in the district court to prevent the officers of the St. Louis-Vassar Mining & Milling company from forcing him to pay an assessment of 2 cents per share on the stock he holds, or sell it. He asks that an alleged legal meeting of the board of directors of the company be declared null and void, and that the officers elected be ousted from office and the officers of the board set aside be reinstated. In conclusion the colonel wants \$100 damages, besides the cost of his suit.

The defendants to his action, besides the company as a corporation, are Joseph R. Walker, Robert Gerlinski, F. W. Hayt, S. V. Shelp and W. E. Lake.

In his complaint Colonel Shaughnessy says he is the owner of 42,300 shares of stock in the defendant company. At a recent alleged legal meeting of the board of directors a special levy of 2 cents per share was ordered. This the colonel refuses to pay and asks for an injunction restraining the company from disposing of his stock. At the meeting Joseph R. Walker was re-elected a director, as was also R. Gerlinski, S. V. Shelp, was made a director and James Hogle was removed from office for F. W. Hayt as a director.

The colonel alleges that the meeting was illegally held for a number of reasons; that the alleged assessment is null and void, and that the changes in the board of directors are of no force and effect.

**GIVES NOTICE OF AN APPEAL.**

Senator Brown to Take His Case to the Supreme Court.

Senator Arthur Brown is preparing to take his case up to the state supreme court within the next few days on a petition for a writ of prohibition, seeking to restrain the district court, Judge Charles W. Morse, from proceeding any further in the prosecution. Just when the application for the writ will be made is not known.

At the conclusion of the hearing of arguments in the case yesterday morning before Judge Morse, when he had overruled the demurrer attacking the jurisdiction of the court, the lawyer was given until Jan. 11, 1904, to enter a plea to the information now on file against the defendant. The progress of the case Senator Brown filed his bill of exceptions on appeal in the former ruling of Judge Morse two weeks ago, when he held the proceedings of the police court were regular.

The hearing yesterday was devoted largely to the taking of testimony on the demurrer of the defendant as to the jurisdiction of the court. Judge Chris Diehl and other attaches of his jurisdiction, and the county attorney's office, gave testimony on a number of points. By their evidence the former senator sought to prove that the complaint was sworn to before Deputy Clerk Emery instead of before the committing magistrate; that the complaining witness nor anyone else was examined by the committing magistrate as to their knowledge of the offense alleged to have been committed before the warrant was issued; that the warrant was issued before the complaint was filed, and that the warrant was issued by the county attorney's office instead of by the committing magistrate.

**JUDGE POWERS GETS A SPRING.**

State Supreme Court Decides a Mining Case in His Favor.

The ownership of an ordinary-sized spring of water in Juab county was the contention between the Orient Mining company, respondent, vs. W. W. Freckleton, appellant, which action was decided yesterday by the state supreme court. Local interest is added to the case inasmuch as the Orient mine is better known as Judge W. W. Powers' mine, and he won a second time on appeal.

The case was tried by Judge William C. Hall in the probate division of the district court. He awarded the spring to the mining company and gave it \$250 in damages against Freckleton. The supreme court sustains the spring award, but reverses the pecuniary judgment on the ground that there was not sufficient evidence adduced at the trial of the case to show the company had been damaged to that extent.

The case simply involved the ownership of a spring on a statement of facts. The company asserted it located the spring in 1898 and developed it, the water being used for various purposes at the mine. In 1900 Freckleton claimed to the spring on an alleged prior location and destroyed some of the pipe laid by the company. Judge Hall issued a restraining order, prohibiting Freckleton from interfering with the pipe line or spring, and the supreme court makes it perpetual.

**Wants Divorce From Husband.**

Mrs. Maude E. Felthousen has brought suit for divorce from Joseph D. Felthousen on the ground that he is a convict. She states that they were married in this city on Nov. 12, 1900. On June 5, 1902, the wife says, her husband entered a plea of guilty to the charge of assault to kill in the second degree before the Cascade county (Mont.) court, and was sentenced to two years in the state penitentiary at Deer Lodge, Mont. He is still confined in that institution. This is the third case that has been filed in the district court in ten

**THERE IS NO WEALTH**

but life, good life, healthy

life

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days by women seeking a divorce from husbands who are serving terms in state penitentiaries.

**Notes of the Court.**

Rudolph J. Becker has brought suit against the Consolidated Mercury Gold Mines company to recover \$1,322.51. He alleges that \$1,200 is due for services rendered and \$122.51 repaid unpaid on a \$12,000 contract for putting in a Moore slime process plant.

In the probate division of the district court, Judge William C. Hall will today and tomorrow call his law and motion calendar.

Judge William C. Hall yesterday decided that Elmer E. Darling and not Albert S. Ross is the owner of a portion of lot 2, block 25, plat G, Salt Lake City survey. Darling showed that he had held undisputed title to the land for twenty-five years. The laches on the part of Ross lost him any former title he might have had in the land.

W. H. King of Bingham yesterday made application in the federal court to be declared a voluntary bankrupt. King's assets amount to \$15 and his liabilities to \$75.45. The petitioner was unable to sign his name to the application and was obliged to use a cross.

The Tintic Mining & Development company yesterday filed suit in the United States court against the Dewey Consolidated Mining & Development company of Bingham. The action was brought to quiet title to the waters of Carr's Fork in Bingham canyon.

**The Xmas List.**  
For the man not complete without the item of gloves or suspenders. Extensive lines to select from.  
BROWN, TERRY & WOODRUFF CO., 166 Main Street.

**DERGE'S PICTURE SALE.**  
All framed pictures at one-third off. All sheet pictures one-half off. Closing out fine carbon, Copley prints and water colors.

John Farrington, liverman. Carriages and light livery. No street hacks. Phone 275.  
Expect more for your money here than elsewhere. We'll not disappoint you. RICHARDSON & ADAMS, 172 Main Street.

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For home comfort. Dressing gowns, bath robes or smoking jackets. A beautiful line of garments for your inspection. BROWN, TERRY & WOODRUFF CO., 166 Main Street.

**10,000 CARNATIONS.**  
All Grown in Our Own Greenhouses For Christmas Day.

American Beauties, Tea Roses, Hyacinths, Narcissus, Chrysanthemums, Violets, Pinks, Smilax, Ferns, 5,000 Holly Wreaths, Green Ropings, English Mistletoe, at reasonable prices; 200

## SENATOR SMOOT HERE

Returns From Washington, But

Has Nothing to Say About  
Fight on Him.

Senator Reed Smoot was in Salt Lake yesterday on his way to Provo, but he was not prepared to talk about the doings that have been going on in Washington and elsewhere in regard to his seat.

"The newspapers know more about the matter than I do," said the senator, generally. "I have absolutely nothing to say except to wish The Herald and all of its employees a merry Christmas and a happy and prosperous New Year."

Congressman Howell reached Salt Lake yesterday on his way to Wells, Utah, to spend the holidays with his family. Mr. Howell said he was well pleased with Washington, as he found it, and that he hoped to do some good for Utah during his term. Regarding the case of Senator Smoot, Mr. Howell said:

"The impression prevails among the best-informed people in Washington that Senator Smoot will unquestionably retain his seat. Practically all the petitions against him have been signed under the impression that he is a polygamist. When signers are informed that he is not a polygamist they promptly lose interest in his case."

Congressman Howell expects to return to Washington soon after Jan. 1.

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For home comfort. Dressing gowns, bath robes or smoking jackets. A beautiful line of garments for your inspection. BROWN, TERRY & WOODRUFF CO., 166 Main Street.

**10,000 CARNATIONS.**  
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## The Newman Shoe Firm Changes

Until Christmas SLIPPER SALE! Until Christmas

While This Thought is Hot, Come Early and Get the Choicest in the Lot.

Read  
These  
Prices

Slipper Bargains

Men's Slippers, Dog or Goat Skin, value \$1.75, for ..... \$1.09  
Men's Slippers, Kid or Seal Skin, value \$1.50, for ..... 99c  
Men's Slippers, horse or Deerkin, value \$2.50, for ..... \$1.36  
Men's Slippers, Monkey, Snake or Alligator Skin, value \$2.00, for ..... \$1.36  
Men's Slippers, Walrus or Pieskin, value \$2.50, for ..... \$1.64  
Men's Slippers, a Dolge Felt, value \$1.75, for ..... \$1.29  
Boys' Slippers, Red, Tan or Black, value \$1.75, for ..... \$1.12

Make Xmas Presents of  
**SLIPPERS.**

Slippers of all kinds, Slippers at your own price.  
OLD MEN'S SLIPPERS.  
YOUNG MEN'S SLIPPERS.  
BIG BOYS' SLIPPERS.  
SMALL BOYS' SLIPPERS.  
OLD LADIES' SLIPPERS.  
YOUNG LADIES' SLIPPERS.  
GIRLS' SLIPPERS.  
BABIES' SLIPPERS.

Youths' Slippers, Red, Tan or Black, value \$1.50, for ..... 99c  
Misses' Slippers for ..... 95c  
Children's Slippers for ..... 85c  
Ladies' Strap Slippers, fancy bordered, \$2.50 grade ..... \$1.96  
Ladies' Strap Slippers, Opera or French Heels, \$2.99 grade ..... \$1.39  
Ladies' House Slippers, \$1.75 grade ..... \$1.24  
Ladies' Felt Slippers, a Dolge make, 95c \$1.29 and ..... \$1.64

If you don't want Slippers then buy Shoes.

**SPECIALS.**

Men's \$4.00 and \$3.00 Shoes ..... \$3.00  
Men's \$3.50 Shoes ..... 1.50  
Ladies' \$3.00 Shoes for ..... 1.50

Those Good School Shoes at

**20% OFF**

MANY OTHER BARGAINS.

XMAS OFFERS IN PIANOS  
FOR THREE DAYS ONLY.

Used Everett, oak case, \$240.00.

Used Steinway, rosewood case, \$180.00

Used Geo. Steck & Co., rosewood case, \$150.00.

Your choice of two beautiful New Mahogany Case \$350.00 Pianos for \$175.00. Several beautiful Fancy Case Upright Pianos, fully guaranteed, for the sum of \$225.00 each; terms, \$10.00 cash and \$8.00 per month. Come early and select a Piano for Christmas. We sell the Chase & Baker Piano Player; will play any piano, and just the thing for a present. Price \$275.00; may be purchased on time payments.

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CHRISTMAS  
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Is Fifty Per Cent Reduction on Any Article Purchased of us up to Christmas Day. We have recently added to our stock all the best styles that have come out in New York for Midwinter wear. Buy at the Marked Price--Refer to this advertisement and One-Half the Sum Will be Refunded.

Millinery Dept.  
J. S. BURT & BROS.  
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O. D. BANKS,  
116 S. Main St.  
Salt Lake

We'd like to call the attention of those who contemplate giving Cigars for Christmas presents to the brands we carry. Henry Clay, Cressida, Webster, Corina and Carolina are only a few of the names you see in this case. Specially Low Box Prices.

**SCHRAMM'S**  
WHERE THE CARS STOP.

Holiday Hints

FOR A LADY--Beads of Pearls, Coral or Gold, Lockets, Lorgnettes, La Vallieres, Opera Glasses, Manicure and Toilet Sets of Silver, hand worked silver for the table and any one of a myriad of novelties.

FOR A GENTLEMAN--Fobs, Studs of Pearl, Mother of Pearl and Gold, a chain of his secret order, Brush, Comb or Shaving Set of Silver, Cigar Jars, Boxes, a Pipe, Fancy Bottles and Glasses; Pens, silver or gold, and Pencils.

FOR THE CHILDREN--Lockets, Charms, Nanking Rings, Pins, and a multitude of little novelties. Everything of the best, and so guaranteed. Easy Prices.

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170 MAIN STREET

**Talk Happiness!**

The world is sad enough without YOUR WOES. If you see this "ad" say so when you write and we will tell the newspaper man. Then he'll FEEL HAPPY. If you turn your Bad Debts to us for collection, we'll collect them, then you'll be happy.

FRANCIS G. LUKE, General Manager.

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G. S. HOLMES, Proprietor.  
New and elegant in all its appointments; 20 rooms, single and en suite; 3 rooms with bath.

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